

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northwest to appear or be represented at the hearing.

**David P. Boergers,**  
*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. SA98-64-000]

#### R.J. Patrick Operating Company; Notice of Petition for Adjustment

March 23, 1998.

Take notice that on March 10, 1998, R.J. Patrick Operating Company (Patrick Operating Company), filed a petition for adjustment under Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),<sup>1</sup> requesting to be relieved of its obligation to pay Kansas ad valorem tax refunds, as required by the Commission's September 10, 1997, order in Docket Nos. GP97-3-000, GP97-4-000, GP97-5-000 and RP97-369-000,<sup>2</sup> and as set forth in the Statement of Refunds Due (SRD) received from Northern Natural Gas Company. Patrick Operating Company's petition is on file with the Commission and open to public inspection.

The Commission's September 10 order on remand from the D.C. Circuit Court of Appeals<sup>3</sup> directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission's September 10, order also provided that first sellers could, with the Commission's prior approval, amortize their Kansas ad valorem tax refunds over a 5-year period, although interest would continue to accrue on any outstanding balance.

Patrick Operating Company states that the SRD, as subsequently revised, seeks refund in the amount of \$323,669.97, including interest, for 8 Western Kansas wells, namely, the Lemert #2, R. Baker #1, Wimmer 1, 3, and 4, Ora Baker #2, and the Ora Baker #1 and #3. Patrick Operating Company also states that the Ora Baker #1, determined to be a

Section 102 well, was deregulated January 1, 1985. Patrick Operating Company further states that during the period involved from 1983 through June 1987, these were very low-volume wells.

Patrick Operating Company states that since the wells were producing 12 Mcf per day or less, all of the wells, except the Lemert, were sold February 1, 1995. Patrick Operating Company further states that the Lemert #2 was then sold in February 1992, at which time it was also producing about 12 Mcf per day.

It is stated that the R.J. Operating Company presently operates 20 wells, of which Mr. and Mrs. R.J. Patrick own 5 of the wells. It is stated that these wells are owned by a number of people, many of whom do not have great financial resources. It is stated that it would take considerable time to recover the reimbursement amount even from other production. The Patrick Operating Company states that although each working interest owner is liable for his own share of any refund; Patrick Operating Company is requesting that since the 8 wells were only marginally economical to produce, that Mr. Patrick and all other working interest owners be relieved of any refund obligation because of the great financial hardship that would occur.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 285.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**David P. Boergers,**  
*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC98-32-000, et al.]

#### PG&E Generating Company, et al. Electric Rate and Corporate Regulation Filings

March 19, 1998.

Take notice that the following filings have been made with the Commission:

#### 1. PG&E Generating Company, U.S. Generating Company, LLC, USGen Power Group, LLC, USGen Energy Group, LLC

[Docket No. EC98-32-000]

Take notice that on March 17, 1998, PG&E Generating Company, U.S. Generating Company, LLC, USGen Power Group, LLC, and USGen Energy Group, LLC tendered for filing an application for approval pursuant to Section 203 of the Federal Power Act for an intra-corporate restructuring, or for disclaimer of jurisdiction over such restructuring.

*Comment date:* April 16, 1998, in accordance with Standard Paragraph E at the end of this notice.

#### 2. West Texas Wind Energy Partners, LLC

[Docket No. EG98-58-000]

On March 11, 1998, West Texas Wind Energy Partners, LLC (WTWEP) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

WTWEP is developing a wind-powered eligible facility with a capacity of 74.6 megawatts (gross), powered by 113 Vestas V-47 660kW wind turbines, which will be located approximately four miles southeast of the town of McCamey, Texas, in the area known as the Southwest Mesa, Upton and Crockett Counties, Texas.

*Comment date:* April 8, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

#### 3. Morgan Stanley Capital Group v. Illinois Power Company

[Docket No. EL98-29-000]

Take notice that on March 6, 1998, Morgan Stanley Capital Group tendered for filing a Complaint and Request for Expeditious Action against Illinois Power Company (IP) regarding (1) IP's failure to accurately post available firm

<sup>1</sup> 15 U.S.C. 3142(c) (1982).

<sup>2</sup> See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

<sup>3</sup> *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).